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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,225	01/14/2004	Michael B. Jones	17771-298586	3261

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FAEGRE & BENSON LLP  
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MINNEAPOLIS, MN 55402-3901

EXAMINER
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BOECKMANN, JASON J

ART UNIT	PAPER NUMBER
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3752

MAIL DATE	DELIVERY MODE
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08/01/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/757,225

Applicant(s)

JONES ET AL.

Examiner

Jason J. Boeckmann

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20,22,23 and 26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20,22,23 and 26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**  
***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/14/2007 has been entered.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-20, 22 and 23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, it is not clear if the paint cup being referred to in line 6 is the same paint cup that is being referred to in line 3. Therefore, it is not clear if the paint cup being referred to in line 6 have to include the parts to be cleaned? Additionally, it is not clear "set of parts being cleaned which had been in contact with paint from the spray gun" claimed in line 12 are the same as the "parts to be cleaned which had been in contact with paint from the paint spray gun," claimed in line 3. Does the set of parts to be cleaned include all the parts being referred to in line 3, or does include additional

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parts? Additionally, are the second set of parts inside the paint cup or are they just being cleaned?

Regarding claim 9, it is unclear as to if the "parts being cleaned," of line 2 are the same parts being cleaned in lines 3 of claim 1, or line 12 of claim 1?

Claim 1 recites the limitation "the paint spray gun" in lines 4 and 13. There is insufficient antecedent basis for this limitation in the claim. The term appears in the preamble of the claim, but it is not clear if the paint spray gun is being positively claimed or not.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 26 is rejected under 35 U.S.C. 102(b) as being anticipated by Amundsen (5,485,857).

Regarding claim 26, Amundsen shows an apparatus capable for attachment to an extended suction set of the type having a double lumen hose, comprising: a double lumen fitting (the outlet of channel 34 and the inlet of channel 36) that is capable of receiving a dual hose fitting, an integral female hose coupling (the inlet of channel 34) that is capable of receiving a male hose coupling, and a fluid passageway providing a fluid communication path from the female hose coupling to the double lumen fitting such that when the garden hose is attached to the female hose coupling (18), all the water

flowing through the garden hose will be directed through the cleaning cap and both of the double lumens of the extend suction set.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-3, 6-13, 19, 20, 22 and 23 are rejected, as best understood, under 35 U.S.C. 103(a) as being unpatentable over Lewis (6,488,216) in view of Pujol (6,328,639).

Regarding claim 1, Lewis shows an apparatus comprising; a paint cup (33), a cleaning cap (14) having: a first fitting (where the lid connects to the cup) for receiving a

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cup (33), that is capable of holding paint, a second fitting (16), that is capable of being connected to a garden hose, and having at least one aperture (17) in fluid communication therewith, with all the fluid being directed into the paint cup (figure 1), and an outlet passage (20) providing an outlet fluid communication path from an interior of the cap to an exterior of the cap, and at least one barrier (26) in the outlet passageway blocking the expulsion of any one of a set of parts being cleaned which had been in contact with the paint from the paint spray gun (the barrier 26 would in fact block parts from leaving through the outlet 20), wherein the at least one barrier is a plurality of fins (the crosshatch that makes up the barrier) aligned with a direction of fluid flow in the outlet fluid communication path, but does not specifically disclose that the paint can includes parts to be cleaned which had been in contact with paint from the paint spray gun. However, Pujol shows a cup (32) that is used to clean small parts that have been in contact with paint (column 3, lines 45-50) from a paint spray gun, with a high-pressure fluid. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to clean small parts that have been in contact with paint from the paint spray gun into the paint cup in order to clean them, so that the small parts do not get lost, as taught by Pujol (abstract).

Regarding claim 2, the Lewis as modified by Pujol, does not disclose that the first fitting includes a first set of threads. However, Pujol shows a cap (40) that is attached to a cup (32) via threads (column 3, line 30). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to add threads to the first fitting of the cleaning cap, in order to make the cap easily removable.

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Regarding claim 3, the second fitting of the cleaning cap has a second set of threads (figure 2).

Regarding claims 6 and 7, the cleaning cap (14) has an inlet fluid communication path (17) from the second fitting to the interior of the cap and includes a first aperture and a second aperture (the inlet to the cup and the outlet from the cup).

Regarding claims 8 and 9, a crossbar extends across at least one of the first and second apertures (figure 3), and the crossbar makes a partial obstruction of sufficient size to prevent parts being cleaned from passing through either aperture.

Regarding claims 10-12, the cap includes a pair of sleeves (16 and 20) extending from and in fluid communication with the first and second apertures, and at least one pair of the sleeves has a crossbar extending there across, the crossbar can provide a positive stop for a dual hose fitting received in the sleeve.

Regarding claims 20, 22 and 23, the outlet passage includes a fluid permeable barrier (26) that has openings sufficiently large to permit the flow of water from the interior to the exterior of the cap wherein the openings are small enough to block the expulsion of any of the parts to be cleaned, wherein the at least one barrier is a plurality of fins (the crosshatch that makes up the barrier) aligned with a direction of fluid flow in the outlet fluid communication path, the distance between the fins being smaller than the smallest part of be cleaned.

Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis (6,488,216) in view of Pujol (6,328,639), further in view of Hubert (3,194,444).

Regarding claims 4 and 5, Lewis as modified by Pujol does not specifically disclose that the second set of threads are female three quarter by eleven and a half standard hose coupling threads. However, Hubert shows a cleaning devise similar to that of the present invention that has a female hose fitting that is used for a conventional garden hose. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to make the second set of threads female three quarter by eleven and a half standard hose coupling threads in order to be able to connect the cleaning device to a conventional garden hose.

#### ***Allowable Subject Matter***

Claims 14-18 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

#### ***Response to Arguments***

Applicant's arguments with respect to claims 1-20, 23 and 23 have been considered but are moot in view of the new ground(s) of rejection.

Regarding claim 26, because the cup 40 is present, when the hose is turned on, the fluid will fill up the cup and then flow through the other lumen of the double lumen.




**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason J. Boeckmann whose telephone number is (571) 272-2708. The examiner can normally be reached on 7:30 - 5:00 m-f, first Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin P. Shaver can be reached on (571) 272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JJB JJB 7/25/07

  
Joseph A. Kautman  
Primary Examiner  
7/25/07